UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,714	06/26/2003	Naysen Jesse Robertson	200207937-1	5777

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EXAMINER
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ART UNIT	PAPER NUMBER
2857	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
	10/606,714	ROBERTSON ET AL.
Office Action Summary	Examiner	Art Unit	
	Mary C. Baran	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 September 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8 and 10-17* is/are pending in the application.

    4a) Of the above claim(s) *18-75* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 10-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 June 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   The action is responsive to the Request for Continued Examination filed on 14

September 2007. Claims 1-8 and 10-17 are pending. Claim 9 is cancelled. Claims 18-

75 are withdrawn.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-8 and 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Vogley (U.S. Patent No. 6,617,872) in view of Hawkins et al. (U.S. PG-Pub. No.

US2003/0130969) (hereinafter Hawkins).

Referring to claim 1, Vogley teaches an electronic system (see Vogley, column 2

line 57 – column 3 line 6 and Figure 1) comprising:

a host controller configured to execute an operating system and one or more

management agents (see Vogley, column 3 lines 17-20);

a plurality of components configured to provide functionality for the electronic

system (see Vogley, column 2 line 57 – column 3 line 16 and Abstract); and

a system for margin testing (see Vogley, column 4 lines 1-2) one or more of the

components configured to provide functionality for the electronic system (see Vogley,

column 2 line 57 – column 3 line 16 and Abstract), the margin system comprising:

a controller (see Vogley, column 5 lines 1-19 and Figure 3); and

a digital parameter adjuster in communication with said controller and with

selected ones of said components (see Vogley, column 4 lines 39-51 and Figure 1

"microprocessor 44,45"), said adjuster setting at least one operating parameter

associated with at least one of said components to one or more test values in response

to commands from said controller (see Vogley, column 4 lines 39-51 and column 6 lines

15-20),

but does not expressly teach that the controller is a baseboard management

controller that is configured to monitor a response of said electronic system to said test

values.

Hawkins teaches a baseboard management controller that is configured to

monitor a response of said electronic system to said test values (see Hawkins, page 2

paragraphs [0015] and [0017]-[0018]).

It would have been obvious at the time the invention was made to one of ordinary

skill in the art to modify Vogley to include the teachings of Hawkins because adding a

baseboard management controller would have allowed the skilled artisan to provide

intelligence to the platform management as well as managing the interface between

system management software and the platform management hardware, providing

autonomous monitoring, event logging, and recovery control and serves as the gateway

between system management software and a management bus (see Hawkins, page 2

paragraph [0015]).

Referring to claim 2, Vogley teaches a hardware monitor in communication with

said controller and said components to receive information from said components in

response to said test values and to transmit said received information to the controller

(see Vogley, column 4 lines 46-51 and column 5 lines 1-19).

Referring to claim 3, Vogley teaches a diagnostics software for collecting data

regarding response of the electronic system to said test values of the operating

parameter (see Vogley, column 3 lines 17-32).

Referring to claim 4, Vogley teaches that said controller executes said

diagnostics software (see Vogley, column 3 lines 17-32).

Referring to claim 5, Vogley teaches that said controller transmits software

command signals to said parameter adjuster to effect variation of said operating

parameter (see Vogley, column 5 lines 1-19 and column 6 lines 15-20).

Referring to claim 6, Vogley teaches that said operating parameter is a frequency

applied to one or more of said selected components (see Vogley, column 4 lines 30-31).

Referring to claim 7, Vogley teaches at least one communications bus for coupling said controller to said parameter adjuster and said hardware monitor (see Vogley, column 6 lines 39-47).

Referring to claim 8, Vogley teaches that said controller implements management of said components of the electronic system (see Vogley, column 1 lines 30-39).

Referring to claims 10-12 and 17, Vogley teaches all the features of the claimed invention except that said controller is a Baseboard Management Controller (BMC); that the BMC implements Intelligent Platform Management Interface (IPMI) protocol; that the communication bus is a I^2C-based bus; that said I^2C-based bus is an IPMB bus; and that said computer system is a computer server.

Hawkins teaches that said controller is a Baseboard Management Controller (BMC) (see Hawkins, page 2 [0015]-[0017]); that the BMC implements Intelligent Platform Management Interface (IPMI) protocol (see Hawkins, pages 1-2 [0014]); that the communication bus is a I^2C-based bus (see Hawkins, page 1 [0006]); that said I^2C-based bus is an IPMB bus (see Hawkins, page 1 [0013]); and that said computer system is a computer server (see Hawkins, page 1 [0004]).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Vogley to include the teachings of Hawkins because adding a baseboard management controller would have allowed the skilled artisan to provide

intelligence to the platform management as well as managing the interface between

system management software and the platform management hardware, providing

autonomous monitoring, event logging, and recovery control and serves as the gateway

between system management software and a management bus (see Hawkins, page 2

paragraph [0015]).

Referring to claim 13, Vogley teaches that said parameter adjuster is a digital

programmable frequency synthesizer (see Vogley, column 4 lines 39-43).

Referring to claim 14, Vogley teaches that said frequency synthesizer receives

an input reference clock signal and, in response to a command signal from said

controller, generates an output clock signal as a multiple of said input clock signal (see

Vogley, column 3 lines 7-16).

Referring to claim 15, Vogley teaches that said frequency synthesizer applies

said output clock signal to one or more of said selected components for testing thereof

(see Vogley, column 3 lines 7-16).

Referring to claim 16, Vogley teaches that said electronic system comprises a

computer system (see Vogley, column 2 line 57 – column 3 line 6).

Response to Arguments

3.   Applicant's arguments filed 14 September 2007 have been fully considered but

they are not persuasive.

Applicant argues that Vogley does not teach the recited "host controller",

"baseboard management controller", and "a digital parameter adjuster configured to

communicate with said BMC and set at least one operating parameter associated with

at least one of said components to one or more test values in response to commands

from said BMC." However, Applicant's arguments are not well taken. Vogley teaches

an integrated circuit device test arrangement (i.e. electronic system) which comprises a

PC workstation (i.e. host controller), a SCI Link, which connects the PC workstation (i.e.

host controller) and the microprocessor (i.e. a digital parameter adjuster) (see Vogley,

Figure 1), wherein the microprocessor can customize the test programs as well as the

voltages and clock frequencies (i.e. operating parameters) (see Vogley, column 4 lines

39-51 and column 6 lines 15-20).

Vogley does not expressly teach that the controller is a baseboard management

controller that is configured to monitor a response of said electronic system to said test

values. However, this limitation is met by Hawkins.

Hawkins teaches a baseboard management controller that is configured to

monitor a response of said electronic system to said test values (see Hawkins, page 2

paragraphs [0015] and [0017]-[0018]). It would have been obvious at the time the

invention was made to one of ordinary skill in the art to modify Vogley to include the

teachings of Hawkins because adding a baseboard management controller would have

allowed the skilled artisan to provide intelligence to the platform management as well as

managing the interface between system management software and the platform

management hardware, providing autonomous monitoring, event logging, and recovery

control and serves as the gateway between system management software and a

management bus (see Hawkins, page 2 paragraph [0015]).

Conclusion

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mary C. Baran whose telephone number is (571) 272-

2211. The examiner can normally be reached on Monday to Friday 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Eliseo Ramos-Feliciano can be reached on (571) 272-7925. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mary Catherine Baran
21 September 2007

CAROL S.W. TSAI
PRIMARY EXAMINER